

REMARKS/ARGUMENTS

Claims 1-33 and 35-36 have been canceled. Claim 34 is pending in the application.

Rejection under 35 USC § 112 first paragraph

Claim 34 was rejected under 35 USC § 112 first paragraph as failing to comply with the enablement requirement under the reasoning that the claim language—“a state”—(of the display controls) is not sufficiently described in the specification. However, Fig. 1c, for example, and accompanying text in the specification describes such a state of the display controls, in which the display controls have a certain layout or appearance and are populated with certain display elements. Nonetheless, the “state” language in claim 34 has been amended to more particularly point out and distinctly claim the subject matter. Hence, the language: “the display controls further comprise a state” has been amended to “a display state of the display controls is determined” for greater clarity (no new matter has been added).

Applicants suggest that claim 34 in its amended form overcomes the 35 USC § 112 first paragraph rejection.

Rejection under 35 USC § 112 second paragraph

Claim 34 was also rejected under 35 USC § 112 second paragraph as having insufficient antecedent basis for “the list manager.” Applicants have amended “the list manager” to “a list manager” to overcome the rejection.

1 Applicants point out that the “list manger” is appropriately related to the rest of the
2 claim because of its plain meaning (it manages a list--and the claim is talking
3 about a list); because it is further defined in the claim (e.g, “receives events from
4 the display controls...and forwards...”), and because a list manager is described at
5 length in the specification as being part of the subject matter.

6 Applicants therefore suggest that claim 34 in its amended form overcomes
7 the 35 USC § 112 second paragraph rejection.

8

9 Claim 34 rewritten as independent claim

10 Claim 34 has also been rewritten to include the elements of base claim 26.
11 No new matter is added.

12 Claim 34 should therefore be allowable even though it has been rewritten to
13 include the elements of a rejected base claim. Although base claim 26 was
14 rejected under 35 USC § 102(b), claim 34 was not rejected under this section.

15 To more particularly point out and distinctly claim the subject matter,
16 however, claim 34 has been amended to show that:

17
18 “The systems and methods as described, thus provide a way to provide a
19 standardized way to create common user interface mechanisms, such as
20 display lists, while affording a product manufacturer to alter the visual
appearance of the user interface. As a result, a single application can be
utilized on multiple platforms to provide similar user experiences.” (Page
23 of Applicants’ specification, emphasis added.)

21
22 Hence, the language “when executed in appliances that use embedded
23 computing elements” and “wherein the instructions are executable on different
24 computing platforms and in different applications to provide the display list” has
25 been added to claim 34 to show that the subject matter can be a generic list

1 generating engine that extends an API and works across different platforms and
2 applications, and as such, can be included by original equipment manufacturers
3 (OEMs) in appliances that use embedded computing elements. This also
4 distinguishes Applicants' subject matter from the cited 102(b) reference,
5 "WinAmps," (upon which the base claim 26 was rejected) even though claim 34 is
6 not rejected under § 102.

7

8 **Conclusion**

9 Applicants are grateful for the Examiner's help in the case, and respectfully
10 suggest that claim 34 is in condition for allowance. Should any matter in this case
11 remain unresolved, the undersigned attorney respectfully requests a telephone
12 conference with the Examiner to resolve any such outstanding matter.

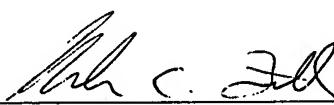
13

14

15 Respectfully Submitted,

16

17 Date: 1-6-05

18 By: 
19 Mark Farrell
20 Reg. No. 45,988
21 (509) 324- 9256 x 243
22
23
24
25